

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

137

**CRM-M-13495-2019 (O&M)
Date of Decision : 30.4.2019**

Gursewak Singh

....Petitioner

vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Anant Kataria, Advocate
for the petitioner.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No. 0077 dated 29.8.2018 registered under Sections 307, 323, 324, 325, 148, 149 IPC at PS Bhattu Banur, District Patiala.

Notice of motion.

On the asking of the Court, Ms. Amarjit Kaur Khurana, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State.

Counsel for the petitioner has supplied a copy of the paper book to the learned DAG.

As per the allegations made in the FIR the petitioner had given a kirpan blow at the head of the injured but the injured raised his hand and the blow landed on his thumb and finger. Then the petitioner was again alleged to have given kirpan blow near the eye.

Learned counsel for the petitioner has argued that as per the medical record there is only one incised wound on the thumb which can well be self sustained and the medical report does not support any incised wound near the eye.

Learned DAG on instructions from ASI Gurnam Singh has accepted that medical report does not reflect any injury near the eye and therefore, the only injury which is attributed to the present petitioner is incised wound on the thumb.

Learned counsel for the petitioner states that this was a clash between the relatives and the petitioner has also received injuries. Learned DAG has countered by arguing that the petitioner has received only simple injuries. The person who was attributed serious injuries has been arrested and released on bail.

In these circumstances, I do not deem it appropriate to deny the petitioner the concession of bail.

Resultantly, the petition is allowed. In the event of arrest he will be released on bail by the Investigating Officer subject to the conditions envisaged under Section 438 (2) Cr.P.C. The petitioner is directed to appear before the Investigating Officer on 7.5.2019 and as and when his presence is required.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

30.4.2019
anuradha

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No